

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

300 Fannin Street, Suite 1167
Shreveport, Louisiana 71101
318-676-4273

Dear Pro Se Litigant:

Welcome to federal court! Your civil action has been filed, assigned a case number and allotted to a judge and magistrate judge as noted. Please be advised that it is your responsibility to give notice of the filing of this complaint to the defendants either by service of a summons or a request for waiver of service as provided in **Rule 4 of the Federal Rules of Civil Procedure**.

To assist you, our court staff has prepared a few brief tips on the topics of service and waiver of summons. These tips are merely provided to aid and assist you and are, by no means, a definitive statement of the law. We recommend that you consult the Federal Rules of Civil Procedure and the Uniform Local Rules for the United States District Courts for the Eastern, Middle and Western Districts of Louisiana (“**Local Rules**”).

Service of Summons: The Clerk of Court does not prepare your summons for you. Rather, the Clerk has the duty to sign and seal a summons upon or after a plaintiff files a complaint and summons with the Clerk’s Office. **See Fed.R.Civ.P. 4(b)**. If the Clerk determines that the summons are in proper form, the clerk shall sign, seal and issue it to the plaintiff for service on each defendant. A summons shall identify the court and the parties, be directed to the defendant, and state the name and address of the plaintiff’s attorney, or if unrepresented, of the plaintiff. **See Fed.R.Civ.P. 4(a)**. The plaintiff is responsible for service of the summons and a copy of the complaint on each defendant and shall furnish the person effecting service with the necessary copies of the summons and complaint. **See Fed.R.Civ.P. 4(c)(1)**.

Waiver of Service of Summons: **Rule 4(d) of the Federal Rules of Civil Procedure**

also allows the plaintiff to reduce the costs of service by notifying the defendant of the filing of the action and requesting that the defendant waive service of a summons. A defendant who, after being notified of an action and asked to waive service of process, fails to do so, will be required to bear the cost of such service unless good cause be shown for failure to sign and return the waiver. A party who waives service of process retains all defenses and objections (except any relating to service thereof).

Dismissal: A case may be dismissed by the Clerk of Court or any judge under **LR41.3W** where no service of process has been made within 90 days after filing of the complaint or where no responsive pleadings have been filed or default has been entered within 60 days after service of process. Prior to the issuance of a dismissal, notice shall be sent to the plaintiff and the plaintiff shall then be allowed 10 calendar days from the mailing of the notice within which to file evidence of good cause for plaintiff's failure to act. If the clerk does not receive a response within the allotted time, the case may be dismissed.

It is our sincere hope that this information on service of summons, waiver of service and dismissal will assist you. Enclosed for your use are a blank summons and request for waiver of service forms which may be copied. If we can be of further assistance, please do not hesitate to contact us.

**ROBERT H. SHEMWLL
CLERK OF COURT**